



Scheme made under Section 15 of the Qualifications Wales Act 2015



May 2022

Version control

This is version 3 of the Scheme prepared under Section 15 of the Qualifications Wales Act (2015). This version was published on 13 May 2022 following an update to the [Priority Qualifications List and Restricted Priority Qualifications Policy](#).

Feedback on this Scheme is welcomed at any time. Please send any comments to policy@qualificationswales.org.

[This Scheme is also available in Welsh.](#)

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Introduction

Statutory basis for the Scheme

In accordance with Part 4, Section 15 of the Qualifications Wales Act 2015 (“the Act”), this Scheme sets out our procedure for entering into arrangements for the development of restricted priority qualifications. For the purposes of this Scheme, we refer to this as the ‘**commissioning route**’.

The Scheme also makes provision about the criteria that will need to be met by the form of qualification to be developed, and payments to be made by Qualifications Wales in respect of its development.

The legislative basis for the Scheme is set out below, and is made pursuant to Section 15(3) and is published pursuant to section 15(7).

The policy underpinning this procedure is the [Priority Qualifications List and Restricted Priority Qualifications Policy](#).

15 Power to make arrangements for development of restricted priority qualification

- (1) Qualifications Wales may enter into arrangements with an awarding body the effect of which is to provide for the body to develop a new form of a restricted priority qualification, with a view to the prospective approval of that form of the qualification under section 16.
- (2) The arrangements may make provision about, among other things—
 - (a) criteria to be met by the form of the qualification to be developed;
 - (b) payments to be made by Qualifications Wales in respect of its development.
- (3) Qualifications Wales must prepare a scheme making provision about the making of arrangements under this section.
- (4) Qualifications Wales must exercise its functions in accordance with the scheme.
- (5) The scheme must provide for a procedure that is open, fair and transparent.
- (6) Qualifications Wales may revise the scheme.

(7) The scheme must be published by Qualifications Wales.

Approved qualifications and Priority qualifications

All Approved qualifications have met specific Approval criteria which have been developed and published by us. Recognised awarding bodies must demonstrate that their design of a qualification meets these criteria before we approve that form of qualification and permit them to offer the qualification.

In this way, we ensure that Approved qualifications are designed to meet the needs of learners in Wales. We will ordinarily approve the qualifications for a specific period, and they can only be awarded with the identified approval number in Wales.

Section 13 (Duty to prepare list of priority qualifications) outlines the duty of Qualifications Wales and the Welsh Ministers to jointly prepare a [Priority Qualifications List](#) ("the List").

A qualification may be included on the List "when Qualifications Wales and Welsh Ministers are satisfied that ensuring and maintaining public confidence in the qualification is a priority for Qualifications Wales, by reason of the significance of the qualification having regards to the needs of learners and employers in Wales".

More detail is available in the [Priority Qualifications List and Restricted Priority Qualifications Policy](#).

Restricted Priority Qualifications

Section 14 of the Qualifications Wales Act 2015 gives us powers to restrict the number of forms of a priority qualification that can be approved at any one time.

Approved qualifications may be restricted to avoid inconsistencies between different forms of the same qualification and to enable us to make a choice between different awarding bodies or between different forms of qualification. These are called Restricted Priority Qualifications.

[The Priority Qualifications List and Restricted Priority Qualifications Policy](#) sets out the circumstances where we may decide to limit the number of forms (or 'versions') of a qualification that may be approved at any time.

We will publish a Determination to Restrict which will specify the maximum number of forms of the qualification that may be approved at any one time and may indicate whether we intend to adopt the **commissioning** or **selection** route to secure the Restricted Priority Qualification.

Under Part 4 of the Qualifications Wales Act 2015, we have a duty to prepare, operate and publish two Schemes which outline the processes involved in securing restricted priority qualifications via the commissioning and selection routes.

This Scheme prepared under section 15 of the Qualifications Wales Act 2015 applies in circumstances when we want to enter into arrangements for the development of a restricted priority qualification (**'commissioning route'**).

General provisions

In entering into any arrangements for the development of a restricted priority qualification, we will act fairly, openly, transparently, and proportionately, and in accordance with our [Regulatory Framework and Approach](#). We will also have due regard to the Better Regulation Framework Principles (updated 2020) and, where applicable, the Concession Contracts Regulations 2016 ("Concessions").

Where those Concession apply, unsuccessful bidders may make an application to the court to challenge the award of contract(s) if they believe there has been a breach of the Regulations. The process and timescales are set out in Part 5 of the Regulations.

The arrangements made under section 15(1) will be set out in a written contract between Qualifications Wales and the relevant awarding body. No arrangements will be valid unless and until such a contract has been made. Any such contract will be awarded in accordance with the procedure set out below.

Procedure for entering into arrangements for the development of a restricted priority qualification

This section outlines the main stages of the procedure we typically follow when entering into arrangements for the development of a restricted priority qualification.

In most cases, we will commission by either open or restricted tender. The procedure outlined below is indicative only. Our procedures will vary depending on the scale of the commissioning exercise being undertaken, for example, the number of qualifications being commissioned, and the number of awarding bodies involved in that exercise.

Whatever the scale of the commissioning exercise, the process will always include:

- pre-tender engagement with relevant stakeholders;
- a competitive process, and
- an evaluation exercise.

Figure 1 of this Scheme provides a one-page overview of a typical commissioning procedure. Timeframes are indicative only and will vary depending on the chosen tender procedure and the number of qualifications to be commissioned and the anticipated number of submissions.

Figure 1: Commissioning Procedure

Indicative timeframes	2 to 3 months	2 to 6 months	Up to 1 month	10 calendar days	1 to 2 months
Stages	Pre-tender engagement	Formal tender process	Evaluation and award of contract/s	Standstill period	Contract inception
Comments	<p>Prior to commencing the formal commissioning process, we will carry out engagement meetings with interested awarding bodies to discuss draft Approval Criteria / minimum qualification requirements, draft contract specification, and period of exclusivity.</p> <p>We will invite comments on the draft terms and conditions of contract (agreement).</p> <p>We will publish a Prior Information Notice on Find a Tender and Sell2Wales to inform interested parties of the opportunity to engage.</p>	<p>We may choose to run a one stage tender process (open tender) or multiple stage process (competitive dialogue or competitive procedure with negotiation) depending on the range and complexity of the qualifications to be commissioned.</p> <p>We will publish a Contract Notice on Find a Tender and Sell2Wales. The procurement documents will be available electronically. Irrespective of process, we will require bidders to complete a standard selection questionnaire including assessment of financial standing and their commitment to becoming an awarding body recognised by QW if not already recognised.</p>	<p>We will evaluate tender submissions using the evaluation criteria / sub-criteria, weightings / sub- weightings and scoring models published in the procurement documents. Where we follow a multi-stage process, we will need to evaluate on more than one occasion for up to one month each time.</p> <p>We will issue letters informing bidders of the outcome of the evaluation (following each stage where applicable) and our intention to award a contract/s to preferred bidders once the final evaluation is complete.</p>	<p>We will observe a ten-calendar day voluntary standstill period immediately following notification of our intention to award a contract/s before entering into agreement/s.</p>	<p>Prior to contract start, we will meet with the successful bidder/s to discuss the development and implementation stages of the contract.</p> <p>We will finalise and issue the agreement/s to be signed by both parties.</p>

Note: The timeframes are indicative only. For each qualification commission, Qualifications Wales will inform interested parties of the proposed timetable as part of pre-tender engagement and will confirm the timetable in the invitation to tender documents. We will reserve the right to amend the timetable if required during the procurement process.